

**UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF ILLINOIS**

BESSIE MAE BURGESS and HOSIE
BURGESS, individually, and on behalf
of their son, Hosie Burgess, Jr.,

Plaintiffs,

vs.

THE CITY OF ALTON, DONALD E.
SANDRIDGE, CHRIS SULLIVAN,
ROGER WEST, JASON SIMMONS,
GARY CRANMER, and TIMOTHY
BOTTERBUSH, In their Individual and
Official Capacities,

Defendants.

No. 3:06-cv-00670-DRH-DGW
Appellate Court No. 07-2580

PETITION TO MODIFY JUDGMENT
PURSUANT TO FRCP 60 (b) AND REQUEST FOR ISSUANCE OF ORDER OF
CERTIFICATION PURSUANT TO CIRCUIT RULE 57

Now Come the Plaintiffs, Bessie Mae Burgess and Hosie Burgess, Individually, and on behalf of their son, Hosie Burgess, Jr., and Defendants, the City of Alton, a Municipal Corporation and Donald E. Sandidge, incorrectly named as Sandridge, Chris Sullivan, Roger West, Jason Simmons, Gary Cranmer, and Timothy Botterbush, In their Individual and Official Capacities, and pursuant to Fed. R. Civ. P. 60(b)(5) requests modification of the final judgment entered in this matter. In support thereof, it is stated:

1. This court dismissed the First Amended Complaint of Plaintiffs with prejudice on June 6, 2007. (Document No. 45). Final Judgment was entered by the clerk on June 7, 2007. (Document No. 46).

2. An appeal of this court's Order was filed with the United States Court of Appeals for the Seventh Circuit, Cause No. 07-2580.

3. As a result of settlement negotiations, the parties have come to an agreement to settle the matter which would result in an agreement by the parties to a dismissal of the appeal.

4. As a result of the fact that various claims were brought by Bessie Mae Burgess and Hosie Burgess, Individually and on behalf a their minor, Hosie Burgess, Jr., the parties request that this court modify the final judgment such that the settlement can be approved on behalf of all parties, including the minor, the Release can be signed by the parties, individually, and on behalf of the minor and all claims can then be dismissed.

5. The only way to accomplish this goal is to have this court issue an Order of Certification Pursuant to Circuit Rule 57, so that the court can then entertain the Petition for Approval of the Minor Settlement.

WHEREFORE, Plaintiff, Bessie Mae Burgess, Individually, and on behalf of her son, Hosie Burgess, Jr., a minor, and Hosie Burgess, Individually and on behalf of his son, Hosie Burgess, Jr., a minor and the Defendant, City of Alton and Donald E. Sandidge, incorrectly named as Sandridge, Chris Sullivan, Roger West, Jason Simmons, Gary Cranmer, and Timothy Botterbush, in their Individual and Official Capacities, request that this court issue an Order of Certification pursuant to Rule 57 of the Federal Rules of Civil Procedure.

BESSIE MAE BURGESS and HOSIE BURGESS,
individually, and on behalf of their son, Hosie Burgess,
Jr., Plaintiffs

By: s/Bruce Carr (with consent)

Bruce Carr, #6291148
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East St. Louis, Illinois 62201
(618) 274-0434

THE CITY OF ALTON, DONALD E. SANDIDGE,
CHRIS SULLIVAN, ROGER WEST, JASON
SIMMONS, GARY CRANMER, and TIMOTHY
BOTTERBUSH, In their Individual and Official
Capacities, Defendants

By: s/Christine G. McClimans

Christine G. McClimans #06203209
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CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of December, 2007, I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system which will send notification of such filing(s) to the following:

Mr. Bruce A. Carr; bcarr@rexcarr.com

s/Amy Rushton